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10/15/03 for [unclear]
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OFFICIAL

Docket No. 242-140

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard W. McCoy

Serial No.: 09/864,027

Filed: May 23, 2001

For: HITCH RECEIVER ASSEMBLY WITH
AC AND/OR DC UTILITY OUTLET

Group Art Unit: 3611

Examiner: Royal, Paul

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Sir:

Applicant has carefully reviewed the Office Action of July 16, 2003 and acknowledges with appreciation the Examiner's comments therein. Based upon the following comments, Applicant respectfully requests reconsideration of the rejected claims 1-9 and 11-22. It is believed that the Examiner will find that all of the presently pending claims patentably distinguish over the prior art and should be allowed.

The Examiner rejects claims 7-9 and 20-21 as allegedly being anticipated by U.S. Patent 6,080,014 to Steiler. Steiler discloses a trailer circuit connector mount capable of connection with various standard trailer plug "configurations of from four to seven pins

in various sizes and geometric arrangements” *Col. 1, ll. 18-28*. Additionally, at *col. 4, ll. 22-24*, Steiler states, “[t]he present invention is directed to an electrical connector unit that is particularly effective in *facilitating electrical connections between towed and towing vehicles*” (emphasis added). Consistent with this objective, Steiler refers to the electrical connector socket 16A described as “a conventional four-pin device” and one of the “standard plug configurations.” *Col. 5, ll. 18-25*. Additionally, Steiler also describes the connector socket 16B “as a conventional six-pin device” and the connector socket 16C as a “heavy-duty seven-pin socket.” *Col. 6, ll. 58-59 and 64*. Every assembly cited in the Steiler patent includes four-pin, six-pin, or seven-pin standard connectors for electrically connecting a vehicle to a trailer.

Steiler further discusses the four-pin, six-pin, or seven-pin standard connectors in the Background discussion. Specifically, Steiler states:

In fact, configurations of from four to seven pins in various sizes and geometric arrangements are in common use. This is because *four moderately sized pins are sufficient for connection to most utility trailers (left turn, right turn, tail-marker, and ground)*, yet additional and larger pins are required for electrical trailer brakes and more pins are needed for accessory wiring that is commonly used in travel trailers. *Col. 1, ll. 20-27* (emphasis added).

None of the assemblies cited in the Steiler patent teach the AC or DC utility power outlet as claimed. Steiler only makes reference to electrical connector sockets explicitly designed for a connection between a towed and towing vehicle. Thus, Steiler does not teach Applicant’s use of a trailer hitch receiver assembly with a DC utility power outlet and/or an AC utility power outlet.

In the Office Action, the Examiner states that, "it is understood to be inherent that the power outlet of Steiler is able to pass AC or DC power, including standard VAC or DC power and standard 12 VDC through each of the power outlets..." It appears that the Examiner is overlooking the structural differences between Steiler's electrical connector socket expressly designed for a connection between a towed and towing vehicle and the Applicant's AC or DC utility power outlet. Applicant's utility power outlet is structurally different in that it is a **NONTRAILER CONNECTION**.

Additionally, since all connector sockets disclosed by Steiler are explicitly designed for trailer connection there is no teaching to suggest that either DC or AC current could be run through those connections as suggested by the Examiner. The towing vehicles run on DC current and the trailer light systems also run on DC current. Running AC current through a standard four-pin, six-pin or seven-pin trailer connector could damage the DC lighting system of the trailer and one skilled in the art would simply not make the modification proposed by the Examiner. In fact, that modification would serve no purpose; it would even prevent proper operation of the trailer lighting system. Steiler discloses nothing that would in any way lead one skilled in the art to provide both a DC utility power outlet and an AC utility power outlet on a trailer hitch receiver assembly.

As stated in *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986) "[i]t is axiomatic that for prior art to anticipate under Section 102 it has

to meet every element of the claimed invention. . .” Since Steiler ONLY teaches four, six, and seven pin connectors for connection between a towed and towing vehicle, Steiler does not meet every element of the Applicant’s claimed invention. Therefore, Applicant’s claims are not anticipated and stand as patentably distinct in view of the prior art.

Additionally, there is no teaching or motivation whatsoever in the Steiler patent to modify the apparatus disclosed to include a utility type of outlet as set forth in claims 7-9 and 20-21. Therefore, claims 7-9 and 20-21 stand as patentably distinct claims in view of the prior art.

Next, the Examiner rejects claims 1-2, 4-5, 15-17 and 22 as allegedly being unpatentable over U.S. Patent 5,904,261 to Belinky et al. in view of U.S. Patent 5,766,020 to Hughes. The Examiner argues that Belinky teaches a power outlet and it is “a design choice to supply AC power or DC power through the power outlet.” However, this contention is subjective speculation and is not based on any objective evidence that would possibly lead or motivate a skilled artisan to modify the reference as proposed. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”¹ Belinky specifically identifies the “electrical connector” as being “carried by a towing vehicle for communication of brake and turn signals from the towing vehicle to a trailer.” *Col 1, ll 12-15*. Furthermore,

¹ *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *See Manual of Patent Examining Procedure* §2143.03

Belinky explicitly refers to a "standard 7-way connector" and a "standard 6-way electrical connector" *Col 2, ll 38-39 and 43-44*. Additionally, in *col. 2, line 60*, Belinky references a "mating trailer electrical connector."

It is clearly not enough that the combination *could* have been made, on which principle the rejection seems to rely as its basis; rather, something in the prior art must actually suggest the desirability of making it.² Belinky clearly refers to an electrical connector adapted for communicating brake and turn signals from the towing vehicle to a trailer. The Examiner cites to no objective evidence that the electrical connector will serve any other purpose. Furthermore, the law makes clear that reliance on hindsight using Applicant's specification is improper, which in this case is the only place a suggestion of a trailer hitch receiver utilizing a utility power outlet *in addition to* a trailer light plug is found.³

While the secondary reference to Hughes refers to a trailer light plug, the only combination of the Belinky and Hughes references supported by the disclosure in those references would be to substitute the plug of Hughes for the electrical connector in the Belinky patent. Neither of the references cited teach, relate to or suggest providing a

² *In re Fritch*, 23 USPQ2d 1783 (Fed. Cir. 1992) ("The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.").

³ *In re Dembiczak*, 50 USPQ2d 1614 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.")

trailer hitch receiver assembly with both a trailer light plug and a separate DC utility power outlet. Therefore, the rejection of claims 1-2, 4-5, 15-17 and 22 is improper and should be withdrawn.

Similarly, claims 3 and 6 should also be allowed. Witkowski teaches an outlet with a hinged cover to protect the outlet from the environment. The Examiner cites no objective evidence in Witkowski providing for any form of trailer hitch receiver assembly with both a trailer light and a DC utility power outlet. Thus, Witkowski does not provide the teaching missing from the primary reference to Belinky and the secondary reference to Hughes as noted above. Accordingly, claims 3 and 6 should also be formally allowed.

Claims 11 and 13 also patentably distinguish over the Belinky et al. patent even when considered in combination with the Hughes patent. Claim 11 reads on a method of powering an electrical device from a trailer hitch receiver assembly including the step of providing a trailer hitch receiver assembly with a utility power outlet and a trailer light plug. As noted above, Belinky discloses a trailer hitch receiver assembly with a trailer light plug. It in no way teaches or suggests providing a trailer hitch receiver assembly with both a utility power outlet and a trailer light plug. The secondary reference to Hughes teaches another form of trailer light plug. In combining Belinky with Hughes, it might be obvious to substitute the trailer light plug of Hughes for the trailer light plug of Belinky. It, however, would in no way be obvious to modify Belinky to include a utility

power outlet, a structure taught in neither the primary nor the secondary reference, in addition to a trailer light plug. Thus, claim 11 clearly patentably distinguishes over these cited references and should be allowed.

This is also true of claim 13 which depends from claim 11 and is allowable for the same reasons. Further, it should be appreciated that claim 13 provides the step of powering the utility outlet with 110 volt AC power from a power inverter on the towing vehicle. One skilled in the art would certainly not find it obvious to power a trailer light plug as taught by Belinky or Hughes with AC power since AC power has the potential to damage the DC light system of a trailer.

Additionally, claim 18 reads on methods of powering an electrical device wherein a trailer hitch receiver assembly is provided with a trailer light plug and a utility power outlet. That utility power outlet is either a standard 12 volt DC power outlet or a standard 110 volt AC power outlet. Similarly, claim 19 reads on a method wherein the trailer hitch receiver assembly includes a trailer light plug and a utility power outlet for powering equipment other than a trailer. No such methods are taught or suggested in the cited prior art and, accordingly, claims 18 and 19 should be allowed.

Claim 12 patentably distinguishes over the Belinky et al. and Hughes patents even when considered in further combination with U.S. Patent 4,936,796 to Anderson, Jr. As noted above, Belinky and Hughes both relate to trailer light plugs. Neither relates to a separate, functional DC utility power outlet. While Anderson discloses a separate DC

power outlet, there is nothing in any of the cited references to teach or suggest providing both a trailer light plug and a DC power outlet on a trailer hitch receiver assembly as set forth in claim 11 from which claim 12 depends. Stated another way there is no specific hint or suggestion or motivation in the references to support the combination proposed by the Examiner. Omission of a relevant factor such as motivation required by precedent is both legal error and arbitrary agency action (see *In Re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002)). As such, the rejection of claim 12 is improper and should be withdrawn.

Claim 14 very clearly patentably distinguishes over the Steiler and Hughes patents. Claim 14 depends from claim 7 and therefore reads upon a trailer hitch receiver assembly including a trailer light plug, a DC utility power outlet and an AC utility power outlet. While Steiler does suggest the possibility of providing multiple outlets on a trailer hitch receiver assembly, the explicit teachings of Steiler clearly limit those outlets to standard trailer light plug configurations (e.g. four-pin, six-pin or seven-pin). Steiler does not suggest providing any form of DC or AC utility power outlet on a trailer hitch receiver assembly. Further, since trailer electrical systems are DC powered there is absolutely nothing in Steiler to even remotely suggest providing an AC power outlet on a trailer hitch receiver assembly as it would serve no purpose in powering the trailer light system. Hughes does nothing to address this shortcoming of the primary reference since Hughes also only relates to a trailer light plug. It is therefore clear that claim 14 patentably distinguishes over this art and should also be formally allowed.

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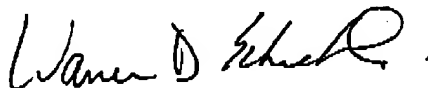
patentably distinguishes over this art and should also be formally allowed.

Additionally, in regard to the Examiners request for the status of claim 22, the status as submitted should be "new."

In summary, all the pending claims patentably distinguish over the art and should be allowed. Upon careful review and consideration, it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal notice of allowance is earnestly solicited.

Respectfully submitted,

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Date Sept 24, 2003 Andy Williams

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